

111 FERC ¶61,123
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;
Nora Mead Brownell, Joseph T. Kelliher,
and Suedeen G. Kelly.

Pataula Electric Membership Corporation

Docket No. ER05-631-001

ORDER GRANTING CLARIFICATION

(Issued April 26, 2005)

1. On March 29, 2005, Pataula Electric Membership Corporation (Pataula) filed a request for clarification, or alternatively rehearing, of the order issued on March 25, 2005,¹ in which the Director of the Division of Tariffs and Market Development – South accepted for filing Pataula’s application for market-based rate authority. For the reasons discussed below, this order grants Pataula’s request for clarification of the March 25 Order.

Rehearing Request

2. Pataula requests that the Commission clarify that the effective date for its Rate Schedule FERC No. 1 is the later of March 29, 2005, or the actual date of prepayment of Pataula’s loans with the United States Department of Agriculture Rural Utilities Service (RUS). Pataula states that the requested clarification is necessary to ensure that Pataula is not subject to overlapping jurisdiction by the Commission and RUS. Alternatively, if the Commission refuses to grant this clarification, Pataula seeks rehearing of the March 25 Order.

Discussion

3. In its initial application for market-based rate authority, Pataula requested an effective date of sixty days from the date of filing or the date of the Commission order accepting Pataula’s Rate Schedule No. 1 for filing, whichever is earlier. Pataula

¹ *Pataula Electric Membership Corporation* (Docket No. ER05-631-000 March 25, 2005) (unpublished letter order) (March 25 Order).

subsequently amended its application, requesting waiver of the sixty-day prior notice period and an effective date of the later of March 29, 2005, or the actual date of prepayment of Pataula's RUS loans. The March 25 Order accepted Pataula's market-based rate application for filing, effective March 29, 2005, rather than the later of March 29, 2005, or the actual date of prepayment of Pataula's RUS loans.

4. We will grant Pataula's clarification request regarding the effective date of its tariff to reflect that it is the later of March 29, 2005, or the actual date of prepayment of all of Pataula's loans with the RUS.

5. Consistent with its obligation to keep its tariff current,² Pataula is directed to inform the Commission within 15 days of the date that it has prepaid its RUS loans and to update its tariff as appropriate.

The Commission orders:

(A) The request for clarification submitted by Pataula is hereby granted.

(B) Pataula is directed to inform the Commission within 15 days of the date that it has prepaid its RUS loans and to update its tariff as appropriate.

By the Commission.

(S E A L)

Linda Mitry,
Deputy Secretary.

² *Designation of Electric Rate Schedule Sheets*, Order No. 614, FERC Stats. & Regs. ¶ 31,096 (2000)